

CAUSE NO. DC-2021-CV-0370**SHANNON CORBETT,**
Plaintiff,

v.

**TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER,**
Defendant.§
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§**IN THE DISTRICT COURT OF****237TH JUDICIAL DISTRICT****LUBBOCK COUNTY, TEXAS**

**DEFENDANT’S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF’S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE:

Defendant Texas Tech University Health Sciences Center (“TTUHSC”) by and through Ken Paxton Attorney General of the State of Texas and the undersigned Assistant Attorney General files this Original Answer and Affirmative Defenses to Plaintiff’s First Amended Petition.

I. ORIGINAL ANSWER (General Denial)

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, TTUHSC generally denies the allegations in Plaintiff’s First Amended Petition and demands strict proof thereof.

II. AFFIRMATIVE DEFENSES

Pleading further, TTUHSC hereby asserts the following affirmative defenses to which it may be entitled:

1. This court lacks jurisdiction over Plaintiff’s claims against TTUHSC.
2. TTUHSC asserts the defense of sovereign immunity as to Plaintiff’s claims for which there has been no statutory or express waiver.
3. TTUHSC asserts the defense of limitations to the extent applicable to any cause of action asserted by Plaintiff.
4. Plaintiff failed to exhaust her administrative remedies and meet all statutory prerequisites

prior to filing this lawsuit.

5. TTUHSC asserts that Plaintiff has failed to engage in any protected activity.
6. TTUHSC asserts that compensatory damages and other damages provided for in Chapter 21 of the Texas Labor Code, if any, are subject to the damage cap set forth therein.
7. TTUHSC asserts that compensatory damages and other damages provided for 42 U.S.C.A. 2000e, if any, are subject to the damage cap set forth therein.
8. TTUHSC asserts that any employment decisions challenged by Plaintiff were made for legitimate, non-discriminatory, and non-retaliatory reasons, and that its decisions would have been made regardless of any protected activity claimed by Plaintiff.
9. TTUHSC asserts that any employment decisions challenged by Plaintiff were made for legitimate, non-discriminatory, and non-retaliatory reasons, and that its decisions would have been made regardless of Plaintiff's gender.
10. TTUHSC asserts that, to the extent applicable, Plaintiff has failed to mitigate her damages, if any.
11. TTUHSC's actions with regard to Plaintiff would have been the same even in the absence of facts Plaintiff claims resulted from illegal conduct.
12. TTUHSC asserts the right to raise additional defenses that become apparent throughout the factual development of this case.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Texas Tech University Health Sciences Center respectfully requests that the Court deny Plaintiff any and all relief requested and dismiss her claims with prejudice. TTUHSC further requests any and all other relief, including costs and attorneys' fees, to which it is entitled.

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

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Deputy Attorney General for Civil Litigation

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/s/Yvonne D. Bennett

YVONNE D. BENNETT

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**ATTORNEYS FOR DEFENDANT
TEXAS TECH UNIVERSITY HEALTH
SCIENCES CENTER**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent on November 10, 2021, via the court's e-service and via electronic mail to:

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